



# *The Commonwealth of Massachusetts*

## *Office of Campaign & Political Finance*

*One Ashburton Place, Boston 02108*

*727-8352*

*Dennis J. Duffin*  
*Director*

March 25, 1986

AO-86-08

Senator Edward P. Kirby  
Attorney at Law  
572 Washington Street  
P.O. Box 347  
Whitman, MA 02382

Dear Senator Kirby:

This is in response to your recent request for an advisory opinion concerning whether M.G.L. c. 55, the campaign finance law, would permit your political committee to make expenditures to pay for partial use of your law office which you state is devoted to "campaign enhancement."

You state the following. You are a State Senator and also maintain a law office in the Town of Whitman. Your office suite consists of four rooms a reception area of 256 square feet, your private office of 210 square feet, a storage closet of 90 square feet, a private office of 120 square feet, for total office space of 676 square feet. You state that the last room is used almost exclusively for campaign purposes including files, a work table for volunteers, a telephone and campaign supplies. In addition, law books are stored on one wall in this room. The space of this room is 18% of the total space of the office, and you inquire as to whether your committee may pay for the rental portion for this particular room, which you refer to as your "campaign office."

You pose a second issue by asserting that during the time you are in your law office, you are occupied between one third and one half of the time "with services as a Senator which can be take to enhance [your] chances of re-election." You claim that you carry out these services in your private office, which comprises approximately 31% of the space in the suite. Since you use the office for political purposes at least 33% of your total time you inquire as to whether 10% of the monthly use of your entire suite may be paid for by your political committee.

In summary, your wish to know whether the campaign finance law would permit you to ascribe 18% of your monthly rent payments to your "campaign office," and 10% of your monthly rental to the "campaign use of your private office," for a total of 28%. Since the monthly rental for your office space is \$330, and 28% of that is \$92.40, you inquire as to whether your political committee may make expenditures of \$90 each month as reimbursement for rent.

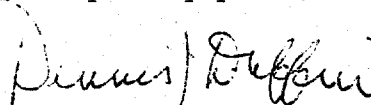
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Section 6 of Chapter 55, and rules promulgated thereunder, regulate expenditures by political committees. That section provides that political committees such as the Re-elect Senator Kirby Committee may make expenditures "for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use..."

Advisory Opinion 83-02, dealt with the issue of expenditures by a political committee relative to a campaign office. I concluded in that opinion that a campaign office established on behalf of one's candidacy for public office would, in most circumstances, enhance the political future of the candidate. That opinion stated, "These expenditures however, must clearly be in relation to an area which is used primarily for campaign purposes. While the living room of one's home may be used for an occasion related to one's candidacy, the primary role it necessarily plays in one's personal life, rather than one's campaign renders expenses in connection with the room itself inappropriate under the campaign finance law." Consistent with that opinion, office space which is used primarily for professional purposes such as practicing law, may not be paid for by funds of a political committee. An expenditure which accrues to the benefit of an individual in the course of his professional practice from which he derives his personal income would not be permitted under the campaign finance law.

In applying this reasoning to the facts you have presented, I must conclude that you may not use campaign funds to pay for a percentage of the rent for office space which is primarily used for your law practice notwithstanding the fact that you do use it at times for political purposes. However, the payment of rent for the room you have described as your "campaign office," and which is primarily used for that purpose, may be reimbursed to you. Since this represents 18% of the total space of your office suite, your committee may expend funds to reimburse you each month for 18% of the rent for the suite.

Very truly yours,

  
Dennis J. Duffin  
Director

DJD/rep